



UNITED STATES MARINE CORPS
CHIEF DEFENSE COUNSEL OF THE MARINE CORPS
MARINE CORPS DEFENSE SERVICES ORGANIZATION
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In Reply Refer To:
5800
CDC
4 Aug 15

CDC POLICY MEMO 1-15

From: Chief Defense Counsel of the Marine Corps
To: Distribution List

Subj: CHIEF DEFENSE COUNSEL'S CRITICAL INFORMATION REQUIREMENTS

Ref: (a) JAGINST 5800.7F (JAGMAN)

1. Purpose. To update the Chief Defense Counsel's Critical Information Requirements in order to ensure the timely and effective sharing of information within the Defense Services Organization.

2. Discussion. CDC's CIRs are significant events that the CDC must be made aware of as soon as possible. Timely and accurate reporting of CDC CIRs prior to or immediately following an event significantly enhances the ability of the CDC to make timely decisions and initiate appropriate actions. Timely reporting of CDC CIRs can, in some situations, enable the CDC to prevent or shape events.

3. Policy.

a. CDC's Critical Information Requirements. A CDC CIR will be initially reported via e-mail and the case affected will be annotated as a CDC CIR case in the DSO's Case Information System (CIS) and weekly report.

(1) Immediate Reportable Items. All members of the DSO will immediately report simultaneously to the CDC, the applicable Regional Defense Counsel, and the applicable Senior Defense Counsel, regardless of the time of day or day of the week, the CDC CIRs listed below.

(a) Death or serious injury to any DSO member or any DSO client.

(b) Death or serious injury to any DSO member's immediate family (parent, spouse, or child).

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(c) Any report of suspected misconduct or investigative action in the case of a member of the DSO, including but not limited to arrest, pretrial confinement, preferral of charges against, or notification of non-judicial punishment.

(d) Any allegation that a member of DSO has acted unethically.

(e) The filing of any pleading alleging another government attorney has acted unethically or has engaged in prosecutorial misconduct. Where feasible attach an electronic copy of the pleading to the e-mail notification.

(f) Any suicide gesture by a DSO member.

(g) Any interaction with a client, including individuals who are present for limited purposes such as NJP counseling, who in the estimation of the DSO member appears to be at risk for suicide.

(h) Any possible or suspected loss, compromise, or spillage of classified material or information by any DSO member.

2. Items Reportable through the RDC. All members of the DSO will immediately report to their Regional Defense Counsel via their Senior Defense Counsel, the CDC CIRs listed below, and Regional Defense Counsels will ensure prompt forwarding to the CDC.

(a) Any writ, appeal, or response to an Article 62 appeal by the Government. Where feasible attach an electronic copy of the pleading to the e-mail notification.

(b) Any media interest in an investigation or case concerning a DSO client.

(c) Any potential claim from a member of the DSO that a government attorney is acting unethically or has engaged in prosecutorial misconduct.

(d) Any case alleging a violation of Article 118 (or an attempted 118), UCMJ or that has been defined as a national security case under paragraph 0126 of the reference.

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(e) Any court hearing where a general or flag officer or staff judge advocate will be called as a witness.

(f) Any case alleging misconduct by an officer above the grade of O-3 and Chief Warrant Officers above CWO-3, or an enlisted Marine above E-7.

(g) Any case alleging unlawful command influence, prior to an articulation of the claim in a motion, correspondence, pleading, on the record statement, or email to the government.

4. Conclusion. Paragraph 3(d)(1) of CDC PM 5-14 is hereby cancelled. This CDC Policy Memo is effective immediately.



STEPHEN C. NEWMAN

Distribution List:

SJA to CMC

Legal Chief of the Marine Corps

All Marine Corps SJAs

LSSS OICs

LSST OICs

All members of the DSO

NMCTJ Code 52, OJAG